

REMARKS

This application has been amended in response to the Office Action mailed March 31, 2008, in order to place the application into form for allowance.

The Examiner rejects claims 11 and 34 under 35 USC § 112 as being indefinite. Claims 11 and 34 have been amended to refer to the safety lock being carried specifically on the second handle pivot joint and to define the engaged position as that in which the blade safety lock engages the jaw. It is submitted that these amendments of claim 11 and claim 34 leave those claims amply clear, and that the rejection under 35 USC § 112 should be withdrawn.

The examiner also rejected claims 5-7 under 35 USC § 112. The examiner takes the position that the term “rubber-like” renders the claims indefinite as including elements not actually disclosed. The examiner refers to MPEP § 2173.05(d), but this reference is not understood since the claims do not include “for example”, but recite a material that is disclosed in the specification. On page 13 of the specification, in the paragraph beginning on line 17 the claimed material is described, together with mention of an illustrative example of such material. It is submitted that the language “resiliently soft rubber-like elastomeric material” as used in claim 5 and 6 is definite, and the rejection under 35 USC § 112 should be withdrawn.

The examiner rejected claims 2-4 and 8 under 35 USC § 103(a) as unpatentable over Hung et al. U.S. Patent Application Publication Document No. 2004/0010924, in view of Thompson et al. U.S. Patent No. 5,483,747. Thompson is cited as disclosing a blade assembly including a blade carrier and a cutter mounted removable on the blade carrier.

The Examiner also rejected claims 15-19 under 35 USC § 102(e) as being anticipated by Hung et al.

The Examiner takes the position with respect to claims 2, 15, and 17, that Hung discloses a leg extending laterally away from a plane defined by a tang of a “blade” (claim 17), “blade base” (claim 15), or “blade carrier” (claim 2). The Examiner has drawn planes in his Appendix A to the office action which are understood to be extending perpendicularly out from the sheet and along the arrows drawn by the Examiner. The Examiner has apparently arbitrarily chosen planes that pass through the blade and the jaw, and so it appears that the Examiner’s understanding of these independent claims is that they fail to define adequately the intended plane away from which the leg extends laterally as recited in the claim.

Accordingly, claims 2, 15 and 17 have been amended to recite that the blade pivot joint defines a pivot axis and that the “first plane” of the main portion of the tang (claim 2), the “blade plane” (claim 15), and the “planar tang” (claim 17) are oriented normal to the pivot axis. Thus the plane away from which the leg extends is more clearly defined in claims 2, 15, and 17 as amended.

Each of claims 2, 15 and 17, as amended, recites the inclusion of a leg extending laterally away from the plane whose orientation has been defined as normal to the pivot axis.

The Examiner’s interpretation of the Hung reference apparently gave no meaning to the word “laterally” as defining orientation of the leg with respect to the side walls of the channel or the sides of the blade or jaw, since the leg identified by the Examiner as “1000a” in the Examiner’s Appendix A does not extend laterally away from a plane in which the jaw or blade resides as shown in Hung et al. As shown best in Fig. 1 of Hung et al., those parts designated as elements 1000a and 1000b in “Appendix A” reside in the same plane as the respective jaw and blade of whose tangs they are simply coplanar extensions. Thus the phrase “extending laterally away” found in element (e) of claim 2 and element (g) of claims 15 and 17 is not satisfied nor suggested by Hung et al. In order to have ample area for transmission of forces between the jaw or blade and the channel base of Hung et al.’s handles 10 and 20 the parts labeled by the Examiner as 1000a and 1000b in Hung et al. are of thick metal, but they are not legs that extend laterally in alignment with the abutment face of a handle as required by claim 2 or the channel base of a handle as required by claim 17. The elements identified as 1000a and 1000b in Hung et al. also fail to extend laterally away from the tang in a plane normal to the blade plane as defined in claim 15.

According, Hung et al. fails to anticipate either claim 15 or claim 17 and fails in combination with Thompson et al. to disclose the invention defined by claim 2. Claims 2, 15, and 17 should therefore be found allowable.

Claims 3-8, 11, and 34 all depend from claim 2, either directly or indirectly, and should be found allowable for the same reasons.

Claim 16 depends from claim 15 and should be allowed for the reasons set forth above with respect to claim 15. Additionally, claim 16 requires a leg that “extends along and in contact with said abutment face,” but the element of Hung et al. identified as 1000a in Appendix A does not extend as a leg along the abutment face but is merely in the same plane

as the tang of the blade 23, so far as can be told from Fig. 1, where the element 1000a is best illustrated.

Claim 19 depends from claim 15 and should be found allowable for the same reasons set forth with respect to claim 15. Additionally, claim 19 requires that the leg “extends laterally at an angle away from said main portion” and is aligned with the abutment face defined by the channel base. Since the portion 1000a referred to as a leg by the Examiner does not extend laterally at an angle away from the main portion of the tang, Hung et al. does not anticipate claim 19, which should be allowed for that reason, as well.

The Examiner rejected claim 10 as unpatentable over Hung et al. in view of Thompson et al. and Mizutani et al. Patent Application Publication Document No. 2002/0124415, and rejected claim 22 as unpatentable over Hung et al. in view of Mizutani et al. Claims 10 and 22 have both been amended to specify more particularly that the spring has a main part located within the cavity and that the spring has a pair of opposite ends, a first of the opposite ends extending into the groove and the other of “said opposite ends extending outward from and beyond said cavity”. The Examiner cites Mizutani et al. as showing a spring arranged as defined by claims 10 and 22 in their form prior to this amendment. Mizutani et al. however, fails to disclose a spring extending outward from and beyond the cavity to engage a handle pivot joint, and the combination of references cited by the Examiner thus fails to teach the combination defined by claims 10 and 22 as amended above.

Additionally, the Examiner has relied on Mizutani et al. as satisfying the language, “said jaw defining a cavity surrounding said blade pivot joint and a groove extending away from said cavity,” in element (e) of claim 10 and element (f) of claim 22. The Examiner states in paragraph 11 of the office action that “A hole can be considered a groove.”

Applicant respectfully disagrees. While a groove may be a kind of hole, not every hole is a groove. Mizutani does not show a groove. The word “groove,” used in claims 10 and 22, is considerably more specific than the word “hole,” and the use of the groove as disclosed and claimed in this application allows the spring to be of a much simpler construction than the spring required in the tool disclosed by Mizutani. Mizutani et al. discloses holes to be engaged by the ends of the spring. These holes require the ends of the spring to be bent out of a plane in which the main part of the spring resides, so that the bent ends of the springs can forcefully engage the holes. This is an extra manufacturing step, adding to the cost of the spring. Mizutani et al. thus fails to recognize the utility of providing

a groove, and so the combination of Hung et al. in view of Mizutani et al. or Hung et al. in view of Thompson et al. and Mizutani et al. fails to teach or suggest all of the elements of either claim 10 or claim 22, both of which should therefore be found allowable.

Claims 28-31 and 33 have been withdrawn.

This amendment is accompanied by a Request for Continued Examination and a Petition for Extension of Time to Respond.

The Examiner is requested to re-examine the application in view of the above amendments and remarks, to allow claims 2-8, 10-11, 15-19, 22, and 34, and to pass the application on promptly to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald B. Haslett", with a long horizontal line extending to the right.

Donald B. Haslett
Attorney for Applicants' Assignee
Telephone: (503) 227-5631
Facsimile: (503) 228-4373